

**§ 1212.302 Granting the request to amend.**

NASA shall make the requested amendment clearly on the record itself and all information deemed to be inaccurate, irrelevant, or untimely shall be deleted and destroyed. Incomplete information shall either be amended or deleted and destroyed. The individual shall then be informed in writing that the amendment has been made. If the inaccurate, irrelevant, untimely, or incomplete portion of the record has previously been disclosed, then the system manager shall notify those persons or agencies of the amended information, referencing the prior disclosures (See § 1212.402).

**Subpart 1212.4—Appeals and Related Matters****§ 1212.400 Appeals.**

(a) Individuals may appeal when they:

(1) Have requested amendment of a record and have received an adverse initial determination;

(2) Have been denied access to a record; or,

(3) Have not been granted access within 30 work days of their request.

(b) The Associate Deputy Administrator or designee is responsible for making final determinations of appeals as specified in paragraphs (a)(1) through (3) of this section for all Agency records, with the exception of those records originating in the Office of the Inspector General for which the Inspector General is responsible for making final determinations of appeals.

(c) An appeal shall:

(1) Be in writing and addressed to the Associate Deputy Administrator, NASA, Washington, DC 20546 or to the Inspector General, NASA Headquarters, Washington, DC 20546, for records as specified in paragraph (b) of this section;

(2) Be identified clearly on the envelope and in the letter as an "Appeal under the Privacy Act;"

(3) Include a copy of any pertinent documents; and

(4) State the reasons for the appeal.

(d) Appeals from adverse initial determinations or denials of access must be submitted within 30 work days of

the date of the requester's receipt of the initial determination. Appeals involving failure to grant access may be submitted any time after the 30 work day period has expired (See § 1212.201(f)).

(e) A final determination on an appeal shall be made within 30 work days after its receipt by the Associate Deputy Administrator or Inspector General for appeals concerning records originating in the Office of the Inspector General, unless, for good cause shown, the Associate Deputy Administrator or Inspector General extends such 30 work day period. Prior to the expiration of the 30 work day period, the requester shall be notified of any such extension.

(f) If a denial of a request to amend a record is upheld, the final determination shall:

(1) Explain the basis for the detail;

(2) Include information as to how the requester goes about filing a statement of dispute under the procedures of § 1212.401; and,

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552a(g).

[57 FR 4928, Feb. 11, 1992, as amended at 77 FR 60621, Oct. 4, 2012]

**§ 1212.401 Filing statements of dispute.**

(a) A statement of dispute shall:

(1) Be in writing;

(2) Set forth reasons for the individual's disagreement with NASA's refusal to amend the record;

(3) Be concise;

(4) Be addressed to the system manager; and,

(5) Be identified on the envelope and in the letter as a "Statement of Dispute under the Privacy Act."

(b) The system manager shall prepare an addendum to the statement explaining the basis for NASA's refusal to amend the disputed record. A copy of the addendum shall be provided to the individual.

(c) The system manager shall ensure that the statement of dispute and addendum are either filed with the disputed record or that a notation appears in the record clearly referencing the statement of dispute and addendum so that they may be readily retrieved.